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STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 SUSAN MEZZETTI,

12 Plaintiffs,

13 v.

14 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY and DOES 1 through  
15 30, inclusive,

16 Defendants.

CASE NO. C04 03022 JW  
RELATED CASE: C04 03311 JW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO PARTIALLY REVISE THE  
COURT'S SCHEDULING ORDER**

17  
18 On November 30, 2004, Judge Ware designated *Clewett v. State Farm*, Case No. C04 03311  
19 JW and *Mezzetti v. State Farm*, Case No. C04-3022 JW related. As such, they have identical  
20 Scheduling Orders. All parties, by and through their respective counsel, hereby stipulate to revise  
21 certain deadlines in the Court's Scheduling Orders as follows:

22 **I.  
RECITALS**

23 1. The parties have been working diligently toward moving these related cases forward  
24 in an efficient, expeditious manner. The parties have participated in the Rule 26 conferences and  
25 exchanged the information and documents required by Rule 26. The parties have also exchanged  
26 written discovery.

27 2. The parties wish to litigate this matter in a cost effective manner and avoid  
28 unnecessary expert retention expenses and attorneys fees and costs. To that end, all of the parties in

1 both related matters have sought to avoid potentially unnecessary discovery and expert retention  
 2 pending exploration of settlement potential at the Early Neutral Evaluation conference to which the  
 3 parties stipulated as their ADR option.

4 3. The Court has appointed George C. Fisher of Richey, Fisher, Whitman & Klein as  
 5 the ENE Evaluator for both matters. On July 12, 2005, the parties participated in the pre-ENE  
 6 conference call with Mr. Fisher and due to trial calendars, vacation schedules and other conflicts of  
 7 the four attorneys who must attend, the earliest available date for the ENE conference is September  
 8 15, 2005. Thus, the parties have scheduled the ENE conference for that date subject to Court  
 9 approval of this stipulation.

10 4. The parties also recognize that the Court's determination of a dispositive motion  
 11 could either terminate this case or significantly narrow the issues relevant for trial and discovery.

12 5. For these reasons, the parties have agreed to stipulate to certain revisions to the  
 13 Court's Scheduling Order to avoid incurring the expense of expert disclosure and other discovery  
 14 that may not be necessary before either the completion of the ENE conference or the resolution of a  
 15 dispositive motion.

16 6. The parties do not seek to continue any deadlines other than those deadlines  
 17 necessary to accommodate the cost effective preparation of this matter for trial. The parties do not  
 18 seek to delay the trial date, the preliminary pretrial conference or the final pretrial conference or  
 19 deadlines thereto.

20 Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

## 21 II. 22 STIPULATION

23 The parties hereby stipulate to the following revisions to the court's Scheduling Order:

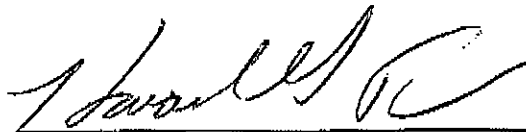
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|----|---|---|
| 24 | 1. Deadline for Conducting the ENE Conference:        | September 30, 2005<br>(currently August 19, 2005);              |
| 25 | 2. Deadline for Hearing Pretrial Dispositive Motions: | November 7 <sup>th</sup> , 2005<br>(currently October 3, 2005); |
| 26 | 3. Disclosure of Expert Witnesses:                    | November 15, 2005<br>(currently July 26, 2005);                 |
| 27 |   |   |
| 28 |   |   |

- 1           4.     Rebuttal Expert Disclosure:                               November 30, 2005  
2   (currently August 5, 2005);
- 3           5.     Deadline to file a motion to exclude an               December 12, 2005, 9:00am  
4   expert or any portion of the expert's testimony:               (currently September 19, 2005);
- 5           6.     Close of Discovery, including experts:               December 30, 2005  
6   (currently August 30, 2005);
- 7           7.     Deadline to file preliminary pretrial and trial       January 30, 2005  
8   conference statement:               (currently November 21, 2005);
- 9           8.     Preliminary Pretrial Conference:                       February <sup>27</sup>~~30~~, 2006  
   (currently December 5, 2005).

10           9.     The nature and extent of the disclosures, motions, other submissions to the court and  
11 any other substantive requirements associated with each of the deadlines set forth above remains  
12 unchanged from the Court's original November 30, 2004 Scheduling Order.

13 Dated: 7/13, 2005

LAW OFFICES OF HOWARD G. FRANK



HOWARD G. FRANK  
Attorney for Plaintiff  
SUSAN MEZZETTI

18  
19 Dated: 7/13, 2005

MEZZETTI LAW FIRM, INC.



ROBERT L. MEZZETTI II  
Attorney for Plaintiff  
SUSAN MEZZETTI

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1 Dated: \_\_\_\_\_, 2005

HAYES, DAVIS, ELLINGSON, McLAY & SCOTT

2  
3 By 

4 STEPHEN M. HAYES  
5 STEPHEN P. ELLINGSON  
6 Attorneys for Defendant  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

7 Pursuant to the parties' stipulation, the Court's November 30, 2004 Scheduling Order is hereby  
8 revised as follows:

- 9
- 10 1. Deadline for Conducting ENE Conference: September 30, 2005
  - 11 2. Deadline for Hearing Pretrial Dispositive Motions: November <sup>7th</sup>~~3~~, 2005 @9am
  - 12 3. Disclosure of Expert Witnesses: November 15, 2005
  - 13 3. Rebuttal Expert Disclosure: November 30, 2005
  - 14 4. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: December 12, 2005, 9:00am
  - 15 5. Close of Discovery, including experts: December 30, 2005
  - 16 6. Deadline to file preliminary pretrial and trial setting conference statement: January 30, 2006
  - 17 7. Preliminary Pretrial Conference: February <sup>27</sup>~~28~~, 2006 @11am
- 18  
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20 IT IS SO ORDERED:

21 Dated: July 21, 2005

/s/ James Ware

22 HONORABLE JAMES WARE  
23 UNITED STATES DISTRICT JUDGE  
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